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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.								
10/633,581	08/05/2003	Barry Markwitz	19530	7093								
7590 James A. Hudak, Esq. 29425 Chagrin Boulevard Suite # 304 Cleveland, OH 44122-4602		12/11/2007	<table border="1"><tr><td colspan="2">EXAMINER</td></tr><tr><td colspan="2">VAN DOREN, BETH</td></tr><tr><td>ART UNIT</td><td>PAPER NUMBER</td></tr><tr><td>3623</td><td></td></tr></table>		EXAMINER		VAN DOREN, BETH		ART UNIT	PAPER NUMBER	3623	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/633,581	Applicant(s) MARKWITZ ET AL.	
	Examiner Beth Van Doren	Art Unit 3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 31-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 31-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The following is a Final office action in response to the communications filed 09/19/2007. Claims 30-32 and 34 have been amended. Claims 30-34 are pending.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 30-34 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Claim 30 recites “setting the number of required checkpoint visits for each location of said guard patrol while allowing said visits to said locations to be in a random order”. The functional result of the limitation is setting a number of visits, and therefore it is unclear how an allowance of order would be represented in such a setting. Therefore, it is unclear as to what the relationship between the “allowing said visits to [...] be in a random order” and the setting of a number. Clarification is required. For examination purposes, examiner has construed the setting and the allowing as functionally separate.

Claims 31-34 depend from claim 30 and therefore contain the same deficiencies.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 30-31 and 33-34 are rejected under 35 U.S.C. 102(b) as being anticipated by Holland et al. (U.S. 5,166,499).

As per claim 30, Holland et al. teaches a method of defining rules for performing a guard patrol of one or more checkpoints, the method comprising the steps of:

(a) assigning an identifier to a rule to be defined (See column 4, lines 50-67, and column 5, lines 50-60, wherein identifier for rules are assigned, the rules dealing with patrol information);

(b) assigning a date range during which the rule is valid (See column 1, lines 50-65, column 2, lines 10-30, column 5, lines 30-60, wherein the rule is valid indefinitely, as it is stored in the system and randomly assigned to a guard)

(c) determining a time period during which said rule should be followed (See column 1, lines 50-65, column 2, lines 10-30, column 5, lines 30-60, wherein the rule is valid during the time period of the tour. See also column 6, lines 55-67); and

(d) setting the number of required checkpoint visits for each location of said guard patrol while allowing said visits to said locations to be in a random order (See column 2, lines 58-64, column 4, lines 38-67, and column 8, lines 30-36, wherein the location is a checkpoint in Holland et al. (the claim states the number of visits to a location), and the checkpoints are not ordered within the set of checkpoints).

As per claim 31, Holland et al. teaches wherein said date range of said step (b) is selected from the group consisting of said rule being valid always, the rule being valid until a specified

date, the rule being invalid after a specified date, and the rule being valid only between an assigned range of dates (See column 1, lines 50-65, column 2, lines 10-30, column 5, lines 30-60, wherein the rule is valid indefinitely, as it is stored in the system and randomly assigned to a guard. The route has a route number for identification).

As per claim 33, Holland et al. teaches the step of determining a time range for each day during which said rule is effective (See column 1, lines 50-65, column 2, lines 10-30, column 5, lines 30-60, wherein the rule is valid during the time range of the tour).

As per claim 34, Holland et al. teaches the step of reporting an exception anytime a checkpoint is not patrolled pursuant to said defined rule (See figures 14-15, column 8, lines 40-50, column 10, lines 1-15, wherein warnings are reported, as well as missed checkpoints).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Holland et al. (U.S. 5,166,499),

As per claim 32, Holland et al. teaches wherein said time period of said step (c) is assigned for a specific guard at a time period (See column 1, lines 50-65, column 2, lines 10-30, column 5, lines 30-60, wherein the rule is valid during the time period of the tour. See also column 6, lines 55-67). However, Holland et al. does not expressly disclose that the time period

is assigned to specific days of each week, specific days of each month, or specific days of each year.

Holland et al. discloses that a guard is scheduled a specific tour during a specific time period, which is logged in the system. Examiner takes official notice that it is old and well known in the art of scheduling employees to assign a specific assignment to a specific day. It would have been obvious to one of ordinary skill in the art at the time of the invention to include assigning a specific tour (with checkpoints) to a specific day on the calendar in order to more efficiently communicate which guard is responsible for which days.

Response to Arguments

9. Applicant's arguments with respect to claims 30-34 have been considered but are moot in view of the new ground(s) of rejection, necessitated by amendment.

10. Examiner notes that the limitation "while allowing said visits to said locations to be in a random order" does not preclude the visits from being sequential. "Allowing" is an optional term and does not force such an occurrence.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after

Application/Control Number:
10/633,581
Art Unit: 3623

Page 6

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Beth Van Doren whose telephone number is 571-272-6737. The examiner can normally be reached on M-F, 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on 571-272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

bvd
December 6, 2007


BETH VAN DOREN
PRIMARY EXAMINER